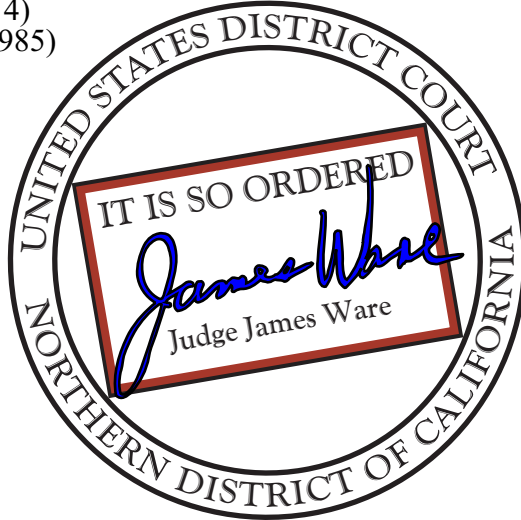


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 HELP OTHERS



UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and
 DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES: HELPING
 YOU HELP OTHERS, a California public
 benefit corporation,

Plaintiffs,

v.

SUNRISE CAFÉ; MOTEL 6 OPERATING
 L.P., a Delaware limited partnership;
 MARIA DIVA, INC., a California
 corporation,

Defendants.

**STIPULATION OF DISMISSAL AND
 ORDER THEREON**

CASE NO. 04-2471 JW

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and Mutual Release (“Agreement”), each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6
7 DATED: January 17, 2006

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

8
9 By: /s/ Jennifer L. Steneberg
10 Jennifer L. Steneberg
11 Attorneys for Plaintiffs JAREK MOLSKI and
12 DISABILITY RIGHTS ENFORCEMENT,
13 EDUCATION SERVICES

14
15 DATED: January 17, 2006

CAMPBELL, Warburton, Fitzsimmons,
SMITH, MENDELL & PASTORE

16 By: /s/ Kelly Laughrin
17 Kelly Laughrin
18 Attorneys for Defendant MOTEL 6 OPERATING
19 L.P., a Delaware limited partnership

20
21 DATED: January 16, 2006


ALLMAN & NIELSEN, P.C.

22 By: /s/ Sara B. Allman
23 Sara B. Allman
24 Attorneys for Defendant MARIA DIVA, INC. dba
25 SUNRISE CAFÉ
26
27
28

ORDER

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Mutual Settlement Agreement and Release should such enforcement be necessary.

Dated: January 18, 2006


Hon. James Ware
UNITED STATES DISTRICT JUDGE